

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 10-20348-BC

Honorable Thomas L. Ludington

v.

RUSSELL JOSEPH HESCH,

Defendant.

**ORDER REGARDING DEFENDANT’S NOTICE OF INTENT TO RAISE AN
INSANITY DEFENSE AT TRIAL**

On January 4, 2011, Defendant filed a motion for a psychiatric exam raising questions about his competency to stand trial under 18 U.S.C. § 4241 and suggesting he cannot be criminally culpable for the charged offense because he was insane at the time of the crime, Fed. R. Crim. P. 12.2. In a conference with the parties on January 5, 2011, the Court noted that the motion would construed as the written notice of intent to raise an insanity defense that is required by Federal Rule of Criminal Procedure 12.2(a). It remains unclear, however, whether the motion should also be construed as a notice of intent to introduce expert evidence relating to a mental disease or defect that is required by Federal Rule of Criminal Procedure 12.2(b).

Accordingly, it is **ORDERED** that if Defendant “intends to introduce expert evidence relating to a mental disease or defect or any other mental condition of the defendant bearing on . . . the issue of guilt,” he must “notify an attorney for the government in writing of this intention and file a copy of the notice with the clerk” no later than two weeks before the competency hearing to

be conducted by the Honorable Charles E. Binder. Fed. R. Crim. P. 12.2(b).

s/Thomas L. Ludington

THOMAS L. LUDINGTON

United States District Judge

Dated: April 11, 2011

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on April 11, 2011.

s/Tracy A. Jacobs

TRACY A. JACOBS